

ORIGINAL

Decision No. 68253

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rufus Crowder,
 Complainant,
 vs.
 The Pacific Telephone and
 Telegraph Company,
 a Corporation,
 Defendant.

Case No. 7943

Rufus Crowder, in propria persona.
Lawler, Felix & Hall, by Robert C. Coppo,
 for defendant.
Roger Arnebergh, City Attorney, by James H.
Kline, for the Police Department of
 the City of Los Angeles, intervener.

O P I N I O N

Complainant seeks restoration of telephone service at 7500 South Main Street, Los Angeles, California. Interim restoration was ordered pending further order (Decision No. 67595, dated July 28, 1964).

Defendant's answer alleges that on or about June 25, 1964, it had reasonable cause to believe that service to Rufus Crowder, under number 751-5497 was being or was to be used as an instrumentality directly or indirectly to violate or aid and abet violation of law, and therefore defendant was required to disconnect service pursuant to the decision in Re Telephone Disconnection, 47 Cal. P.U.C. 853.

The matter was heard and submitted before Examiner DeWolf at Los Angeles on September 21, 1964.

By letter of June 24, 1964, the Chief of Police of the City of Los Angeles advised defendant that the telephone under number 751-5497 was being used to disseminate horse-racing information used in connection with bookmaking in violation of Penal Code Section 337a, and requested disconnection (Exhibit 1).

Complainant testified that he runs a grocery store in the daytime and works in an aircraft industry at night and that he needs telephone service to operate the business and to keep in touch with his employer and to earn a living to support his wife and two children. Complainant admitted that he had been taking bets but that he had learned his lesson and would not do so in the future.

A police officer testified that when he entered complainant's premises, complainant was talking on the telephone at a desk in the rear room; that three other persons were on the premises; that the National Daily Reporter and a racing form were on a table and that complainant picked up some papers and threw them behind the desk. The officer testified that he recovered the papers and found approximately 25 wagers on them and that while he was there the telephone rang six to ten times and complainant admitted to him that he had been bookmaking about three months. The officer testified that the premises were used as a "cash room" and "phone spot combination business front".

We find that defendant's action was based upon reasonable cause; we further find the evidence discloses that the telephone was used for bookmaking purposes contrary to law and should be disconnected.

O R D E R

IT IS ORDERED that complainant's request for restoration of telephone service be denied and that the temporary interim relief granted by Decision No. 67595, dated July 28, 1964, is vacated and set aside.

IT IS FURTHER ORDERED that, upon the expiration of sixty days after the effective date hereof, complainant may file an application with the utility for telephone service and that, if such application is filed, The Pacific Telephone and Telegraph Company shall install telephone service at complainant's place of business at 7500 South Main Street, Los Angeles, California, such installation being subject to all duly authorized rules and regulations of the telephone company and to the existing applicable law.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 24th day of NOVEMBER, 1964.

Fredrick B. Holtschoff
President

I dissent
Everett Hays

George T. Grover

William W. Bennett
Commissioners